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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,940	02/17/2004	Alessandro Dematteis	AGZP:113 US	9367
24041 7590 07/07/2010 SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406				
EXAMINER				
HAUGLAND, SCOTT J				
ART UNIT		PAPER NUMBER		
3654				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,940

Applicant(s)

DEMATTEIS, ALESSANDRO

Examiner

SCOTT HAUGLAND

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farnsworth (U.S. Pat. No. 1,832,974) in view of Atkins (U.S. Pat. No. 1,120,432), Faeber et al (U.S. Pat. No. 3,037,557), and the admitted prior art of paragraphs [0003] (p. 1) through [0008] (p. 3) of the specification.

Farnsworth discloses a roller for conveying a web comprising a first cylindrical tubular body 1 equipped with a plurality of radial holes arranged in longitudinal rows. The tubular body 1 is capable of rotating with respect to a second inner fixed co-axial body 2. A suction chamber is defined between said first and said second body by means of sliding sealing elements (4,6) that extend radially between the first and second tubular bodies. The sealing elements comprise a fixed portion 4 forming a guide and a bar 6.

Farnsworth does not disclose that the suction chamber extends the full length of the roller. Farnsworth does not explicitly state that the bar 6 can slide in the guide 4 or

that the apparatus is a machine selected from the group consisting of rewinding, winding, and interfolding machines.

Atkins teaches making a suction chamber (defined by q, w, v, t, s) of a suction roller extend the full length of the suction roller.

Faeber et al teaches forming a sliding sealing element as a guide 32 and a bar 39 slidable in the guide so as to resiliently engage an inner surface of a cylindrical shaped tubular body 10.

The admitted prior art teaches using a conveying roller having a partial vacuum created inside the rollers in rewinding and interfolding machines to facilitate handling of sheets.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the suction chamber of the roller of Farnsworth so that it extends the full length of the roller to reduce complexity, number of parts, and cost of the device for uses where adjustability is not required. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bar 6 slidable in the guide 4 so as to resiliently engage an inner surface of the first cylindrical shaped tubular body as taught by Faeber et al to provide a more reliable seal that can accommodate variations in shape and changes in dimensions (e.g., with temperature) of the tubular bodies.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the conveying roller of Farnsworth in a rewinding or

interfolding machine as taught by the admitted prior art to more efficiently provide the required gripping force on the web material as it is fed through the machine.

The modified conveying roller of Farnsworth is capable of use for sheets and the radial holes are adapted for suction of the end of a sheet.

Response to Arguments

Applicant's arguments filed 4/14/10 have been fully considered but they are not persuasive.

Applicant argues that Farnsworth discloses a paper making machine and not a paper converting machine, that the roller in Farnsworth is not a conveying roller, and that the roller has a cluster of radial holes and not a longitudinal row of holes. However, as noted previously, the machine disclosed by Farnsworth is not completely different from a rewinding, winding, or interfolding machine because it would include means to wind, for example, the finished web. The claims do not include any structure of the paper converting machine other than the roller and its structure which structure is in Farnsworth except as noted in the rejection above. The term "conveying roller" in the claims does not distinguish over the roller in Farnsworth because it is disclosed as being used in the conveying of paper (on wires and in other parts of the paper machine) and is capable of conveying web and sheets in other ways. It is well known to use suction rollers for different purposes including conveying sheets, so it is clear that they are capable of this function as required by the claim. The admitted prior art teaches

using suction rollers in the particular environment claimed. Fig. 1 of Farnsworth shows holes arranged in longitudinal rows.

Applicant argues that claim 16 defines air suction for gripping paper to convey it while the roller in Farnsworth causes suction of water to dry pulp and that claim 16 defines air suction at a row of holes to pick up the end of a sheet of paper in order to convey it for a selected angle. However, the roller in Farnsworth is capable of performing these functions. In addition, the admitted prior art teaches using a suction roller to perform these functions.

Applicant argues that one would not look to Atkins which teaches a machine for suction of excess water in a paper making machine to modify the roller in Farnsworth in order to use it as a sheet conveying roller. However, the fact that Atkins and Farnsworth disclose the same use of the suction rollers would argue for rather than against their combination. Modification of the roller in Farnsworth is not required to make it usable as a sheet conveying roller.

Applicant argues that Faeber does not convey paper sheets and, therefore, teaches away from the invention. However, the roller in Faeber is disclosed as being usable in various environments such as in printing presses (where it would be used to handle finished paper) and in paper making machines (as are the rollers in Atkins and Farnsworth). See col. 1, lines 11-17. It is noted that Faeber teaches that the same type of suction roller used in papermaking machines is usable for handling finished paper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new ground of rejection was necessitated by the amendments of claim 16, lines 3 and 26. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT HAUGLAND whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

/SJH/